

Remarks

Claims 1 to 15 are pending.

The Examiner rejected claims 1 to 15 as allegedly anticipated under 35 U.S.C. § 102(e) and allegedly unpatentable under 35 U.S.C. § 103(a) over Friedl *et al.* (U.S. Patent Publication No. 2005/0089575).

In response, applicants respectfully traverse the Examiner's rejections and maintain that Friedl *et al.* does not anticipate claims 1 to 13 under 35 U.S.C. § 102(e) nor render claims 1 to 15 obvious.

On page 5, lines 23 to 26, applicants note that "The presence of component (b), a surfactant or emulsifier, is essential to achieve a substantially improved dissolution of the active ingredient as well as for the use of a simplified manufacture process such as fluid-bed granulation instead of spray-drying" (emphasis added). Spray-drying is the preferred manufacturing process according to Friedl *et al.*, whereas the simpler fluid bed granulation is the preferred process according to the claimed invention.

Results obtained with the compositions A and B described in Table 1 of the above invention (i.e. A with surfactant and B without surfactant, respectively) are summarized in Figures 1 and 2 and demonstrate that release of the active ingredient telmisartan given as "dissolution %" is significantly faster in the presence of the surfactant Poloxamer 188, which is not taught, suggested, or hinted at by Friedl *et al.*

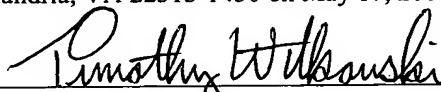
It should also be noted that Friedl *et al.* consider surfactants and emulsifiers as optional and not essential excipients, because the manufacturing process of Friedl *et al.* relies on spray-drying. The compositions described in Friedl *et al.* are unsuitable for the simpler fluid bed granulation process. Thus, the preferred amount of surfactant (0.05-1%) mentioned in Friedl *et al.* at paragraph [0058] is quite different from the preferred amount according to the present invention.

It should also be noted that the hygroscopicity of the tablets made according to the instant claims are very low up to 80% RH. In contrast, the hygroscopicity of the tablets made

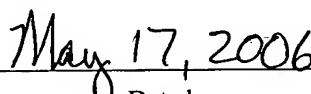
according to Friedl *et al.*, even in low RH conditions, which is an advantage for handling the tablets and provides a significant product and marketing advantage. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejections.

Applicants submit that all the pending claims are allowable and respectfully solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

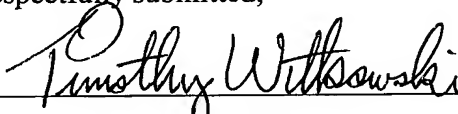
Certificate of Mailing Under 37 C.F.R. § 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 17, 2006.



Timothy X. Witkowski
Registration No. 40,232


Dated

Respectfully submitted,



Timothy X. Witkowski
Registration No. 40,232
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road/P.O. Box 368
Ridgefield, CT 06877
Telephone: (203) 798-4310
Facsimile: (203) 798-4408